IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 580 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

HARSHADBHAI CHIMANBHAI DESAI

Versus

STATE OF GUJARAT

Appearance:

1. Appeal from Order No. 580 of 1998

MR MURALI N DEVNANI for Petitioner No. 1

MR KC SHAH AGP for Respondent No. 1-3

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 27/09/2001

ORAL JUDGEMENT

This appeal is arising out of the impugned order dated 10.9.1998 passed by the learned Trial Judge below Ex.5 in Special Civil Suit No.75 of 1998 whereby the learned Judge has dismissed application Ex.5.

This appeal was admitted on 24.3.1999 after issuing notice to the respondent on 16.12.1999.

Civil Application No.1147 of 1998 was filed in this appeal wherein the learned Single Judge of this court issued notice on 30.11.1998 making it returnable on 16.12.1998 with ad-interim stay in favour of the appellant-plaintiff on the condition that the appellant plaintiff shall deposit Rs.40,000/= out of Rs.50,000/= before the learned trial court. The said application was disposed of finally on 24.3.1999 by the learned Single Judge of this court with the direction to the learned Trial court to invest the deposited amount of Rs.40,000/= in a fixed deposit with nationalized bank for a period of 3 years in the first instance and on maturity the same shall be renewed for one year at that time without any further orders in this regard. The reinvestment shall be together with accrued interest shall not be disbursed to either party. Accordingly, ad-interim relief granted earlier was confirmed.

In view of the above, nothing more is required to be done in this matter. Accordingly, the appeal is disposed of with the direction to the trial court to decide the Sp.Civil Suit No.75/98 as earlier as possible and not later than 30.9.2002. The parties shall fully cooperate with the final disposal of the suit. Till then, interim arrangement of depositing Rs.40,000/= with the nationalized bank as ordered by the learned Single Judge of this court on Civil Application shall continue subject to the final outcome of the suit. The learned Court shall pass appropriate order regarding the disbursement of the said amount with interest accrued on it.

(B.J.Shethna, J.)

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